

REMARKS

Claims 1-9 and 11 are in the application, with Claim 1 having been amended, with Claim 10 having been cancelled, and with Claim 11 having been added. Claims 1 and 11 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

The specification has been corrected as required by the Examiner.

Claim Rejections – 35 USC § 102

Claims 1-2 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman et al. U.S. Publication No. 2002/0082991.

To overcome this rejection, claim 1 has now been amended to add the following limitations:

- generating a database of the discrepancies;
- running queries against call details associated with calls having discrepancies to determine whether overall charge for the calls having discrepancies varies based on length of each of the calls having discrepancies;
- characterizing at least one of the discrepancies as resulting from misapplication of a time dependent charge if a proportion of the discrepancies does not vary with length of the calls having discrepancies.

Support for these limitations is found at paragraph 25 of the present application as published.

Applicants note that the Friedman reference contains no disclosure concerning the type of analysis of billing discrepancies now set forth in claim 1, including the steps of running queries and characterizing at least one of the discrepancies as now specifically claimed. It is therefore respectfully requested that the rejection of claim 1 be reconsidered and withdrawn.

The other rejected claims, being claims 2-9, are dependent on claim 1 and submitted as patentable on the same basis as claim 1. In addition, as to claims 3-5, applicants will also now make comments regarding certain technical deficiencies in the rejection of those claims

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Zai U.S. Patent Application No. 6,975,208.

In discussing the rejection of claim 3, the Examiner conceded that Friedman fails to disclose the claim limitation of analyzing the difference between an expected fee and an assessed fee to identify a pattern associated with a known surcharge. The Examiner proposed to make up for this deficiency in the Friedman reference by relying on the Zai reference. In particular, the Examiner characterized Zai's disclosure as follows: "Zai discloses analyzing the difference between said expected fee and said assessed fee to identify a pattern associated with a known surcharge [citing column 1, lines 21-31 of the reference]." However, what Zai actually discloses does not support the Examiner's characterization of the reference. Zai does not disclose analyzing a difference between an expected fee and an assessed fee. In general, Zai is concerned with warning a user when it is necessary to cease using a service in order to avoid further charges. The particular passage at column 1, lines 21-31, refers in general terms to tracking usage time, and makes no mention of differences between expected and assessed fees. Accordingly, it is submitted that the Examiner has failed to set forth a *prima facie* case in support of the rejection of claim 3.

The Examiner also mischaracterized Zai's disclosure in a similar fashion with respect to claims 4 and 5, and thus also failed to make out a *prima facie* case of obviousness for those claims as well.

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New claim 11 is submitted as patentable over the prior art by virtue of its recitation of identifying calls placed from a public pay phone by identifying fixed-amount discrepancies. Support for this limitation is found in paragraph 26 of the present application, as published.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date

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